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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,304	01/22/2002	Edward Le Roy Swindell		7338

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EXAMINER

PHAN, HAU VAN

ART UNIT PAPER NUMBER

3618

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/922,304	Applicant(s) SWINDELL ET AL.	
	Examiner Hau V Phan	Art Unit 3618	<i>NW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment

1. The amendment filed on 7/7/2004 has been entered.
2. The drawings were received on 7/7/2004. These drawings are approved.

Claim Objections

3. Claim 5 is objected to because of the following informalities: Lines 5-7, "a first motor" and "a second motor" should be changed to – said first motor – and – said second motor --. Appropriate correction is required.

Specification

4. The specification of the disclosure is objected to because drawing figure 2 shown a second embodiment, but specification does not describe a second embodiment. Page 2, after Fig. 2 shows should be inserted – a second embodiment of -- Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 5-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The phrase "electric switch means for electrically connecting the input power leads L1 and L2 to the pairs of first and second power terminals of said motors, said switch means being operative, when in a first mode, to connect the power terminals of the two motors in series between the power leads L1 and L2, and operative, when in a second mode, to connect the power terminals of the two motors in parallel between the power leads L1 and L2, whereby the two motors operate at a first speed when the switch means is in said first mode, and a second, higher speed when the switch means is in said second mode" was not described in the specification.

Regarding claims 6-7, the specification was not described the recitation in claims 6-7.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 5-6, 9, 10-11 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Prekschat (4,363,999).

Prekschat in figures 1-17, discloses an electric propulsion and braking system for vehicle comprising at least two DC electric motors (as shown in figure 1) coupled mechanically to rotate together and adapted to be connected mechanically to drive wheels (221, 222, 223, 224) of the vehicle. The first motor has a first pair of electrical power terminals (all electric lines inherently have at least two terminals) and the second motor has a second pair of electrical power terminals. Prekschat also discloses two input power leads (all electric sources inherently have two input power leads) adapted to be connected to a DC sources (28) of electrical power on the vehicle. Prekschat also discloses a control circuit (30) or electric switch means for electrically connecting the input power leads to the pairs of first and second power terminals of the motors. The switch being operative to connect the power terminals of the two motors in series and to connected the power terminals of the two motors in parallel (col. 5, lines 5-65).

Regarding claims 6-7, Prekschat discloses an electric shunt field winding (col. 5, lines 52-65) to change the circuit output in parallel and series connection.

Regarding claim 9, Prekschat discloses the two motors, which are mechanically connected in tandem to an axle of the vehicle (as shown in figure 17).

Regarding claims 10-11 and 13-15, Prekschat discloses a DC source (28) of electrical power coupled the power leads. The DC source includes a battery or a fuel cell. The battery or the fuel cell is replaceable (col. 5, lines 13-25).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Preikschat (4,363,999) in view of Barrett (6,586,668).

Preischat discloses the two motors, which are mechanical connected in tandem to the axle of the motor vehicle, but fails to show the motors connected in tandem to a drive shaft of the motor vehicle.

Barrett in figure 15, teaches a vehicle having two motors (410, 452). The motors are mechanically connected in tandem to a drive shaft (460) of the vehicle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of Preikschat with the vehicle having two motors, which are connected in tandem to a drive shaft as taught by Barrett in order to insure the front wheels and the rear wheels rotate at the same rotational speed.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Preikschat (4,363,999) in view of Shugar (6,586,668).

Preischat discloses the DC source, which may including a fuel cell or any other type of rechargeable electrical energy source, but fails to show a solar panel.

Shugar in figures 1-2, teaches an electric vehicle with a solar panel (6). It would have been obvious to one of ordinary skill in the art at the time the invention was made

to modify the vehicle of Preikschat with the electric vehicle having a solar panel as taught by Shugar in order to extend the battery life and reduce the cost of using electricity from the utility to charge the vehicle.

Response to Arguments

12. Applicant's arguments with respect to claims 5-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Melocik et al. disclose a dual-motor control apparatus, Jackson discloses an electrical power supply having a variable output, Jeanneret discloses a motor system for an electric type vehicle and Yang discloses a motor drive circuit system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau Phan
8/19/04

Hau V Phan
Examiner
Art Unit 3618

HAU PHAN
PATENT EXAMINER